

Application Serial No. 10/092,571  
Reply to Office Action dated February 9, 2007

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REMARKS/ARGUMENTS

Applicant requests that the claims be amended as described above.

In the Office Action, the Examiner has rejected Applicant's arguments with respect to the claim restriction. As a result, Examiner is examining claims 1, 2, 4, 6 and 8. Further, the Examiner has raised various objections with claims 1, 2, 4, 6 and 8 under 35 U.S.C. § 101 and 35 U.S.C. § 112. Additionally, Examiner has rejected claims 1, 2, 4, 6 and 8 on the basis that they are obvious in light of Siegel combined with various references.

In response to the Examiner's various rejections, Applicant has cancelled all pending claims (that is, claims 1, 2, 4, 6 and 8) and has added new claims 9-26 which more particularly claim the subject matter which the Applicant considers to be the invention and which overcome the prior art cited by the Examiner. Rather than amending the existing claims, Applicant felt it would be more useful to reiterate the invention previously set out in claim 1 (while also incorporating the subject matter set out in claim 4) in new claim 9 with sufficient particularity to overcome the Examiner's § 101 and § 112 objections.

Applicant further submits that the clarification of the simultaneous scanning and comparison of the bar code on the prescription form and the bar code appearing on the stock medication carried by the pharmacy (as previously referred to in claim 4) is not recited in the prior art cited by the Examiner and therefore overcomes the Examiner's remaining § 103 objections.

More generally, Applicant notes that Siegel really has little to do with preventing prescription errors; rather, Siegel is focused on dispensing errors within a hospital setting (with which Examiner is intimately familiar). That is, whereas Siegel is focused on the administration of medication by hospital staff to the correct patient (which is why the bar code has patient information and a patient photograph rather than details

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of the medication being prescribed) and whereas Siegel assumes that the correct medication was prescribed in the first place, the present invention is directed to making sure that the assumption regarding accurate prescription (upon which Siegel relies) is true. Rather than operating as prior art, Siegel therefore represents a complementary system which could be used in addition to (at the backend of) the present invention. As a result, Applicant respectfully submits that the Siegel reference is directed to solving an entirely different problem and is not therefore persuasive or relevant prior art upon which to sustain further rejections in light of the claim amendments and remarks herein.

New claims 10-21 are variations of new claim 9.

New claim 22 clarifies how the prescription is transmitted electronically from the prescribing physician's office to the pharmacy to be printed by the pharmacy for comparison against the pharmacy's stock drugs. Applicant notes this is different than the system presented in Morey which transmits the prescription data from the prescribing physician's office to the pharmacy for the pharmacy to use for labels (thereby skipping the important step of independent review of the prescription information which is an important feature of Applicant's invention distinguishing it from the prior art).

New claims 24-26 are directed to methods of implementing the systems taught in claims 10-26.

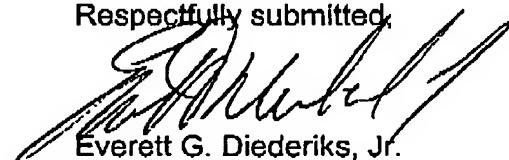
Applicant submits that adequate support for the new claims is found within the Specification and therefore no new subject matter has been added.

In light of the foregoing remarks and changes to the claims, Applicant respectfully submits that the application and its claims are now in a position for allowance.

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Based on the above remarks and amendments to the claims, it is respectfully submitted that the claims in the present application are in condition for allowance. Therefore, allowance of the claims and passage of the application to issue are respectfully requested. If the Examiner should have any additional concerns regarding the allowance of this application, she is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,



Everett G. Diederiks, Jr.  
Attorney for Applicant  
Reg. No. 33,323

Date: August 8, 2007  
DIEDERIKS & WHITELAW, PLC  
12471 Dillingham Square, #301  
Woodbridge, VA 22192  
Tel: (703) 583-8300  
Fax: (703) 583-8301